

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)

v.)

BYRON TURNER)

Case No: 01-CR-999-PCH

USM No: 62542-004

Date of Previous Judgment: May 23, 2002)

DAVID O. MARKUS

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): _____

III. ADDITIONAL COMMENTS

The Defendant is not eligible for the relief he seeks pursuant to Amendment 706 because he was sentenced as a career offender under U.S.S.G. § 4B1.1. See U.S. V. Moore, F.3d, 2008 WL 4093400 (11th Cir. 2008.).

Except as provided above, all provisions of the judgment dated 05-23-02 shall remain in effect.

IT IS SO ORDERED.

Order Date: _____

October 7, 2008

Judge's signature

Effective Date: October 9, 2008

(if different from order date)

PAUL C. HUCK, U.S. DISTRICT COURT JUDGE

Printed name and title